

DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public
Amendment No. 2

Permit No. 199621004, GP 96-04

Issuing Office: Omaha District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This General Permit authorizes work in waters of the United States (including rivers, lakes, streams and wetland areas) associated with flood protection, reconstruction and repair activities within flooded areas of Nebraska. This General Permit authorizes, but is not limited to, the following types of activities: Repair and reconstruction of existing roads, temporary levee construction, levee repair, breach closures, bridge embankment repair, protection and/or repair of utility structures, placement of suitable rock and/or dirt fill for bank protection, and restoration of river channels to the alignment which existed immediately prior to flooding. Before any project will be considered under this Regional General Permit, it must conform to the attached general criteria listed in Appendix A. Any authorization granted under this General Permit will be subject to the attached Special Conditions.

Project Location:

All waters of the United States (including rivers, lakes, streams, and wetland areas) located within flooded areas of Nebraska (including the Missouri National Recreational river from river mile 753.60 (across from Ponca State Park, Nebraska) to mile 811.05 (Gavins Point Dam)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2006. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See Enclosed Special Conditions

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE):

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Kurt F. Ubbelohde
COLONEL, CORPS OF ENGINEERS

(DATE)

BY: _____

KATHRYN M. SCHENK
Chief, Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Special Conditions:

Any authorization granted under this Regional General Permit would be subject to the following proposed Special Conditions:

1. The time limit for completing the work authorized is 120 days from each permit determination. If additional time will be needed to complete the authorized activity, a written request for a time extension must be submitted to the Corps of Engineers.
2. This Regional General Permit authorizes the discharge of dredged or fill material and other work associated with emergency flood related activities performed in waters of the United States within the State of Nebraska required as a result of damages recently incurred during flooding.
3. All channel restoration work will be limited to restoring the area to pre-flood conditions. Channel restoration of areas not caused by flooding is not authorized under this Regional General Permit.
4. All temporary drainage ditches constructed in waterways or wetlands must be restored within 30 days of the end of the flooding conditions. Restoration will be accomplished by constructing a plug from the edge of the wetland and extending approximately 200 feet downstream.
5. Repair measures authorized herein do not allow for improved drainage of legally drained wetlands or new, permanent drainages that would result in the lowering of basin water retention capacity and/or the wildlife value of that wetland.
6. Repair and protection measures authorized herein do not allow for the construction of structures (e.g. jetties) which would result in any further stream channel constriction or in the redirection of flows in such a way as to cause upstream or downstream erosion, etc. Nor does this Regional General Permit authorize any repair work on such structures that would result in the structure being modified or extended beyond its original length.
7. Temporary levees, accesses, and other fills must involve the least damaging and minimum amount of disturbance/impacts to waters of the United States. Appropriate measures must be taken to maintain near normal downstream flows to minimize flooding. All fill must be of suitable materials and placed in such a manner that the material will not be eroded by expected high flows.

The following materials are hereby prohibited or restricted as fill material in waters of the United States within the regulatory boundaries of the Omaha District.

PROHIBITED

Vehicle bodies, farm machinery and metal junk, including appliances, containers and barrels (including plastic barrels).

The use of old or used asphalt as a fill material and the use of asphalt in general for bank/stabilization or erosion control.

Biodegradable building materials, including wood debris, sheet rock, roofing materials, and chemically treated materials subject to leaching when placed in an aquatic environment.

Tires shall be prohibited unless placed in the form of a mat or other design and anchored to preclude entering the waterway. See the Streambank Protection guidelines Waterways Experiment Station, 1993.

PERMISSIBLE

Properly anchored trees and treetops are permissible.

The use of clean brick and broken concrete will continue to be allowed on a case-by-case basis. Broken concrete should be free of exposed rebar and old asphalt.

8. Mitigation plans will be developed and coordinated with the applicable resource agencies on a case-by-case basis.
9. All fill material will be obtained from a non-wetland, upland source.
10. All temporary fills, including sandbags, in waters of the United States must be completely removed and the area restored to pre-project conditions within 30 days of the end of flooding conditions.
11. The use of small aggregate, such as streambed material, for bank stabilization and erosion control is prohibited. All dirt fill material associated with bank protection must be stabilized with vegetation or appropriate rock protection.
12. Only clean riprap materials will be utilized in order to avoid the percolation of fines that would result in excessive local turbidity.
13. All areas along the bank disturbed or newly created by the construction activity, which will not be riprapped, will be seeded with vegetation both in kind and in quantity (this will include both the herbaceous and woody species) that are indigenous to the area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources.
14. The clearing of vegetation, including trees located in or immediately adjacent to waters of the United States, will be limited to that which is absolutely necessary for construction of the project. The removal of mature trees will be avoided to prevent potential impacts to bald eagle roost sites.
15. All construction debris will be disposed of on an approved upland site in such a manner that it cannot enter a waterway or wetland. The permittee will establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials.
16. Equipment for handling and conveying materials during construction will be operated to prevent dumping or spilling the materials into the water except as approved herein.
17. That all dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.
18. Concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.
19. During construction, no petroleum products, chemicals, or other deleterious materials shall be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent entry of these materials into the water.
20. All work in the waterway will be performed in such a manner so as to minimize increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation.
21. All earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the waterbody are controlled.
22. If and when the District Engineer has been notified that a dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.
23. The use of machinery in the waterway will be kept to a minimum.
24. A discharge of material may not occur in the proximity of a public water supply unless appropriate approval is given and mitigation measures are identified to offset any adverse effects.

25. If the Corps of Engineers is notified that work being performed does not comply with, or fall within the scope of, this Regional General Permit, the responsible party will take immediate steps, as directed by the Corps of Engineers, to bring the work into compliance with this permit.

26. If threatened or endangered species are sighted at or near the project site, particularly during construction, work must cease and the U.S. Fish and Wildlife Service contacted immediately.

27. The permittee, the permittee's contractor or any of the employees, subcontractors or other person working in the performance of the contract and/or contracts shall immediately report the discovery of subsurface features, possible scientific, prehistorical, historical, or archeological data, giving the location and nature of the findings to the Nebraska State Historic Preservation Officer and the Nebraska Regulatory Office. The permittee shall cease construction or operation at the site of any cultural resource discovery. Work shall not begin until notified by the Nebraska Regulatory Office.

28. The District Engineer may require additional special conditions be included in any authorization issued under this Regional General Permit to avoid or minimize adverse environmental impacts. The District Engineer may also require the processing of an individual permit for an activity determined to have more than minimal adverse environmental effects, individually or cumulatively, or would be contrary to the public interest.

29. For bank stabilization activities associated with flood protection, reconstruction and repair that are proposed for the Missouri National Recreational River segments, the following criteria shall be complied with:

Riprap consisting of field stone, quarry rock, clean broken concrete or combinations thereof placed along the toe of and parallel to the eroding bank is an effective technique for erosion control. This method can be used for all different bankline and channel conditions (see attached drawings).

- a. Broken concrete must be chemically acceptable and free of protruding reinforcing steel and other debris (i.e., lath, plaster, asphalt, scrap iron, etc.)
- b. Material used shall be reasonably well-graded material to create a dense erosion resistant structure.
 - (1) The maximum weight of any piece of material shall be 1350 pounds with approximately 50 percent of the material weighing at least 250 pounds.
 - (2) The material shall be well graded and range in size from 6 to 36 inches. The average dimension shall be approximately 14 inches and the protection layer thickness should be 1.0 to 1.5 times the largest rock dimension.
 - (3) The material should be angular in shape. No more than 30 percent of the material shall have the maximum dimension more than 2.5 times the minimum dimension and no material shall have the maximum dimension more than 3.5 times the minimum dimension.
- c. The maximum elevation of the structure shall not exceed 2 vertical feet above the anticipated flood stage elevation.
- d. The exposed riprap must be covered with a minimum of 6 inches of soil and seeded with an annual rye grass (nurse crop) plus a mixture of native grass species down to the ordinary high water line. Covering soil may be obtained offsite, from the disturbed construction area of the upper bank, or from excess materials resulting from the windrow refusal described below. The disturbed areas shall be seeded with native grasses. Soil cover and seeding shall be completed immediately after flood waters recede to allow maximum amount of time for vegetation establishment prior to the next high water event.
- e. The upstream end of each segment of riprap revetment must be protected by construction of a windrow refusal to prevent flanking the revetment when site conditions are such that flanking of the structure is probable. The windrow refusal shall be constructed as follows. A drawing is required.

- (1) Each refusal will consist of stone, broken concrete buried, with the same quality and gradation as described in "b" above in a trench excavated landward from the bankline at the upstream end of each riprap revetment. The length shall be a minimum of 1.5 times the bank height.
- (2) Windrow refusals shall be angled 0 to 30 degrees downstream of the perpendicular to the bankline to provide a more gradual redirection of the river flows.
- (3) The volume of the refusal per linear foot shall be 1.5 times the volume per linear foot of the revetment.
- (4) The bottom of the trench excavated for the refusal shall be at least 1.5 times the maximum material dimension wide.
- (5) The excavated soil will be used to bury the refusal material. Any excess will be graded and seeded to improve the upper bank aesthetics, or used to cover the exposed riprap of the revetment.

f. Removal of trees and other woody vegetation shall be restricted to only what is necessary to construct the revetment. This includes the area of the bank excavated to construct the windrow refusal. Trees and other woody vegetation removed as a direct result of revetment and/or refusal construction shall be replaced in kind and 3:1 in quantity.

30. The COE will verify that the emergency claimed is a reasonable assumption, and that the claimed damages are potential.
31. The COE will verify for each application that there are no T & E or cultural resources issues in the area.
32. The COE will allow only the minimum protection needed to protect from the perceived threat.
33. The COE will require the applicant to demonstrate that the type of project proposed has the least environmental impact of those alternatives that would protect against the perceived threat.
34. The COE will not issue a GP in situations where the proposed activity may cause more than minimal environmental damages or where the cumulative effects of potential GP's of this nature in this location will potentially have more than minimal environmental effects.
35. The COE will require removal of the material within 120 days after the flood threat passes unless removal would cause more environmental damage than leaving the material in place.
36. All projects allowed to stay permanently will mitigate on site by: planting the same type and variety 3 to 1, trees and shrubs damaged or removed and will cover to a minimum depth of 6 inches and seed all disturbed areas above the annual high water level. The vegetation planted and seeded shall be monitored and maintained for a minimum of 2 years.
37. Disturbed areas shall be monitored following the project constructions and noxious weeds controlled in accordance with Nebraska state law.
38. A travel lane (i.e., unrocked trail) a minimum of fifteen (15) feet in width, shall be provided through any stabilized area exceeding 660 feet in length to allow for the movement of wildlife. This includes a combination of existing and proposed new stabilization.
39. Mitigation (1 ½ acre mitigation: 1 acre impacted) will be required for the loss of special aquatic sites.

Appendix A

All interested parties proposing work under this General Permit are required to contact the Corps of Engineers at the Wehrspann Regulatory Office, 8901 South 154th, Omaha, Nebraska 68138-3621 in advance so that a determination can be made that the work is necessitated by flood conditions. The following information is required:

1. Name, address, and telephone number of the applicant responsible for the work and the owner of the affected land, if other than the applicant.
2. A written description of the work including the purpose and need: type, composition, and quantity of material to be discharged or excavated; length, width and depth of fill material and/or excavation area; disposal site for excavated material; equipment to be used; and any other pertinent, supporting data. Drainage projects must identify the receiving site for the excess water.
3. Names, addresses, and telephone numbers of adjacent property owners.
4. A location map with the exact location of the proposed work and a legal description.
5. A drawing on 8 1/2 by 11-inch paper with details of the proposed work showing:
 - a. The project location, including the disposal site locations. A photocopy excerpt from a USGS quadrangle, road map, or equivalent is acceptable;
 - b. Plan and cross-sectional views showing elevation (relative) and dimensions.
6. If applicable, a mitigation plan for all proposed wetland fill activities.

The information submitted must clearly describe the work so the Corps of Engineers can determine whether or not the work complies with the terms, conditions, and limitations of this General Permit.

No project may proceed until notification approval has been received from the Corps of Engineers that the proposal meets the General Permit criteria. Any Corps of Engineers authorization granted pursuant to this General Permit does not supersede the Food Security Act regulations and requirements for applicable projects.

**REGIONAL GENERAL PERMIT
96-04, AMENDMENT 2**

Special Conditions:

Any authorization granted under this Regional General Permit would be subject to the following proposed Special Conditions:

1. The time limit for completing the work authorized is 120 days from each permit determination. If additional time will be needed to complete the authorized activity, a written request for a time extension must be submitted to the Corps of Engineers.
2. This Regional General Permit authorizes the discharge of dredged or fill material and other work associated with emergency flood related activities performed in waters of the United States within the State of Nebraska required as a result of damages recently incurred during flooding.
3. All channel restoration work will be limited to restoring the area to pre-flood conditions. Channel restoration of areas not caused by flooding is not authorized under this Regional General Permit.
4. All temporary drainage ditches constructed in waterways or wetlands must be restored within 30 days of the end of the flooding conditions. Restoration will be accomplished by constructing a plug from the edge of the wetland and extending approximately 200 feet downstream.
5. Repair measures authorized herein do not allow for "improved" drainage of legally drained wetlands or new, permanent drainages that would result in the lowering of basin water retention capacity and/or the wildlife value of that wetland.
6. Repair and protection measures authorized herein do not allow for the construction of structures (e.g. jetties) which would result in any further stream channel constriction or in the redirection of flows in such a way as to cause upstream or downstream erosion, etc. Nor does this Regional General Permit authorize any repair work on such structures that would result in the structure being modified or extended beyond its original length.
7. Temporary levees, accesses, and other fills must involve the least damaging and minimum amount of disturbance/impacts to waters of the United States. Appropriate measures must be taken to maintain near normal downstream flows to minimize flooding. All fill must be of suitable materials and placed in such a manner that the material will not be eroded by expected high flows.

The following materials are hereby prohibited or restricted as fill material in waters of the United States within the regulatory boundaries of the Omaha District.

Vehicle bodies, farm machinery and metal junk, including appliances, containers and barrels (including plastic barrels).

The use of old or used asphalt as a fill material and the use of asphalt in general for bank/stabilization or erosion control.

Properly anchored trees and treetops are permissible.

Biodegradable building materials, including wood debris, sheet rock, roofing materials, and chemically treated materials subject to leaching when placed in an aquatic environment. The use of clean brick and broken concrete will continue to be allowed on a case-by-case basis. Broken concrete should be free of exposed rebar and old asphalt.

Tires shall be prohibited unless placed in the form of a mat or other design and anchored to preclude entering the waterway. See the Streambank Protection Guidelines Waterways Experiment Station, 1993.

8. Mitigation plans will be developed and coordinated with the applicable resource agencies on a case-by-case basis.
9. All fill material will be obtained from a non-wetland, upland source.
10. All temporary fills, including sandbags, in waters of the United States must be completely removed and the area restored to pre-project conditions within 30 days of the end of flooding conditions.
11. The use of small aggregate, such as streambed material, for bank stabilization and erosion control is prohibited. All dirt fill material associated with bank protection must be stabilized with vegetation or appropriate rock protection.
12. Only clean riprap materials will be utilized in order to avoid the percolation of fines that would result in excessive local turbidity.
13. All areas along the bank disturbed or newly created by the construction activity, which will not be riprapped, will be seeded with vegetation both in kind and in quantity (this will include both the herbaceous and woody species) that are indigenous to the area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources.
14. The clearing of vegetation, including trees located in or immediately adjacent to waters of the United States, will be limited to that which is absolutely necessary for construction of the project. The removal of mature trees will be avoided to prevent potential impacts to bald eagle roost sites.
15. All construction debris will be disposed of on an approved upland site in such a manner that it cannot enter a waterway or wetland. The permittee will establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials.
16. Equipment for handling and conveying materials during construction will be operated to prevent dumping or spilling the materials into the water except as approved herein.
17. That all dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.
18. Concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.
19. During construction, no petroleum products, chemicals, or other deleterious materials shall be allowed

to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent entry of these materials into the water.

20. All work in the waterway will be performed in such a manner so as to minimize increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation.

21. All earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the waterbody are controlled.

22. If and when the District Engineer has been notified that a dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

23. The use of machinery in the waterway will be kept to a minimum.

24. A discharge of material may not occur in the proximity of a public water supply unless appropriate approval is given and mitigation measures are identified to offset any adverse effects.

25. If the Corps of Engineers is notified that work being performed does not comply with, or fall within the scope of, this Regional General Permit, the responsible party will take immediate steps, as directed by the Corps of Engineers, to bring the work into compliance with this permit.

26. If threatened or endangered species are sighted at or near the project site, particularly during construction, work must cease and the U.S. Fish and Wildlife Service contacted immediately.

27. The permittee, the permittee's contractor or any of the employees, subcontractors or other person working in the performance of the contract and/or contracts shall immediately report the discovery of subsurface features, possible scientific, prehistorical, historical, or archeological data, giving the location and nature of the findings to the Nebraska State Historic Preservation Officer and the Nebraska Regulatory Office. The permittee shall cease construction or operation at the site of any cultural resource discovery. Work shall not begin until notified by the Nebraska Regulatory Office.

28. The District Engineer may require additional special conditions be included in any authorization issued under this Regional General Permit to avoid or minimize adverse environmental impacts. The District Engineer may also require the processing of an individual permit for an activity determined to have more than minimal adverse environmental effects, individually or cumulatively, or would be contrary to the public interest.

29. For bank stabilization activities associated with flood protection, reconstruction and repair that are proposed for the **Missouri National Recreational River** segments, the following criteria shall be complied with:

Riprap consisting of field stone, quarry rock, clean broken concrete or brick materials or combinations thereof placed along the toe of and parallel to the eroding bank is an effective technique for erosion control. This method can be used for all different bankline and channel conditions (see attached drawings).

- a. Broken concrete or brick must be chemically acceptable and free of protruding reinforcing steel and other debris (i.e., lath, plaster, asphalt, scrap iron, etc.)
- b. Material used shall be reasonably well-graded material to create a dense erosion resistant structure.
 - (1) The maximum weight of any piece of material shall be 500 pounds with approximately 50 percent of the material 165 pounds.
 - (2) A smaller gradation is also acceptable with a maximum weight of 200 pounds and the average, or 50 percent of the material, at 50 pounds. If the structure is constructed in deep water (exceeding 10 feet), the larger gradation is recommended.
 - (3) Concrete chunks cannot exceed 24 inches for any one dimension (i.e., length, width or thickness).
- c. The maximum elevation of the structure shall not exceed 2 vertical feet above the anticipated flood stage elevation.
- d. The exposed riprap must be covered with a minimum of 6 inches of soil and seeded with an annual rye grass (nurse crop) plus a mixture of native grass species. Covering soil may be obtained offsite, from the disturbed construction area of the upper bank, or from excess materials resulting from the windrow refusal described below. The disturbed areas shall be seeded with native grasses. Soil cover and seeding shall be completed immediately after flood waters recede to allow maximum amount of time for vegetation establishment prior to the next high water event.
- e. The upstream end of each segment of riprap revetment must be protected by construction of a windrow refusal to prevent erosion from outflanking the revetment when site conditions are such that flanking of the structure is probable (see attached drawings). The windrow refusal shall be constructed as follows.
 - (1) Each refusal will consist of stone, broken concrete or bricks buried in a trench excavated landward from the bankline at the upstream end of each riprap revetment.
 - (2) Windrow refusals shall be angled 20 to 30 degrees downstream of the perpendicular to the bankline to provide a more gradual redirection of the river flows and to reduce the size of the downstream bank eddies.
 - (3) The excavated soil will be used to bury the refusal material. Any excess will be graded and seeded to improve the upper bank aesthetics, or used to cover the exposed riprap of the revetment.
- f. Removal of trees and other woody vegetation shall be restricted to only what is necessary to construct the revetment. This includes the area of the bank excavated to construct the windrow refusal. Trees and other woody vegetation removed as a direct result of revetment and/or refusal construction shall be replaced in kind and in quantity.

DA Permit
No. 1996-04 (Amendment 2); 199620004
GP 96-04
General Public

Appendix A

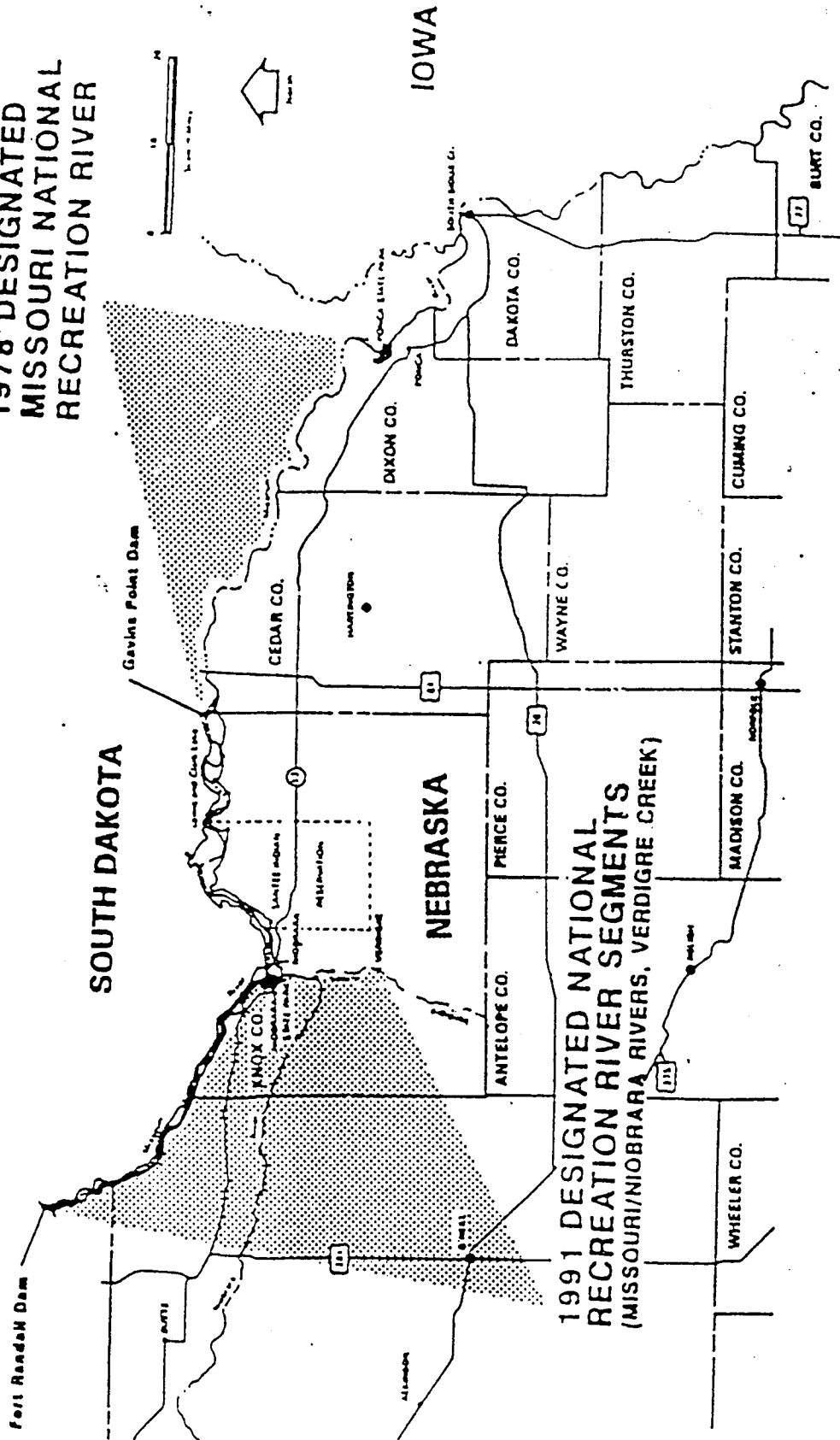
All interested parties proposing work under this General Permit are required to contact the Corps of Engineers at the Wehrspann Regulatory Office, 8901 South 154th, Omaha, Nebraska 68138-3621 in advance so that a determination can be made that the work is necessitated by flood conditions. The following information is required:

1. Name, address, and telephone number of the applicant responsible for the work and the owner of the affected land, if other than the applicant.
2. A written description of the work including the purpose and need: type, composition, and quantity of material to be discharged or excavated; length, width and depth of fill material and/or excavation area; disposal site for excavated material; equipment to be used; and any other pertinent, supporting data. Drainage projects must identify the receiving site for the excess water.
3. Names, addresses, and telephone numbers of adjacent property owners.
4. A location map with the exact location of the proposed work and a legal description.
5. A drawing on 8 1/2 by 11-inch paper with details of the proposed work showing:
 - a. The project location, including the disposal site locations. A photocopy excerpt from a USGS quadrangle, road map, or equivalent is acceptable;
 - b. Plan and cross-sectional views showing elevation (relative) and dimensions.
6. If applicable, a mitigation plan for all proposed wetland fill activities.

The information submitted must clearly describe the work so the Corps of Engineers can determine whether or not the work complies with the terms, conditions, and limitations of this General Permit.

No project may proceed until notification approval has been received from the Corps of Engineers that the proposal meets the General Permit criteria. Any Corps of Engineers authorization granted pursuant to this General Permit does not supersede the Food Security Act regulations and requirements for applicable projects.

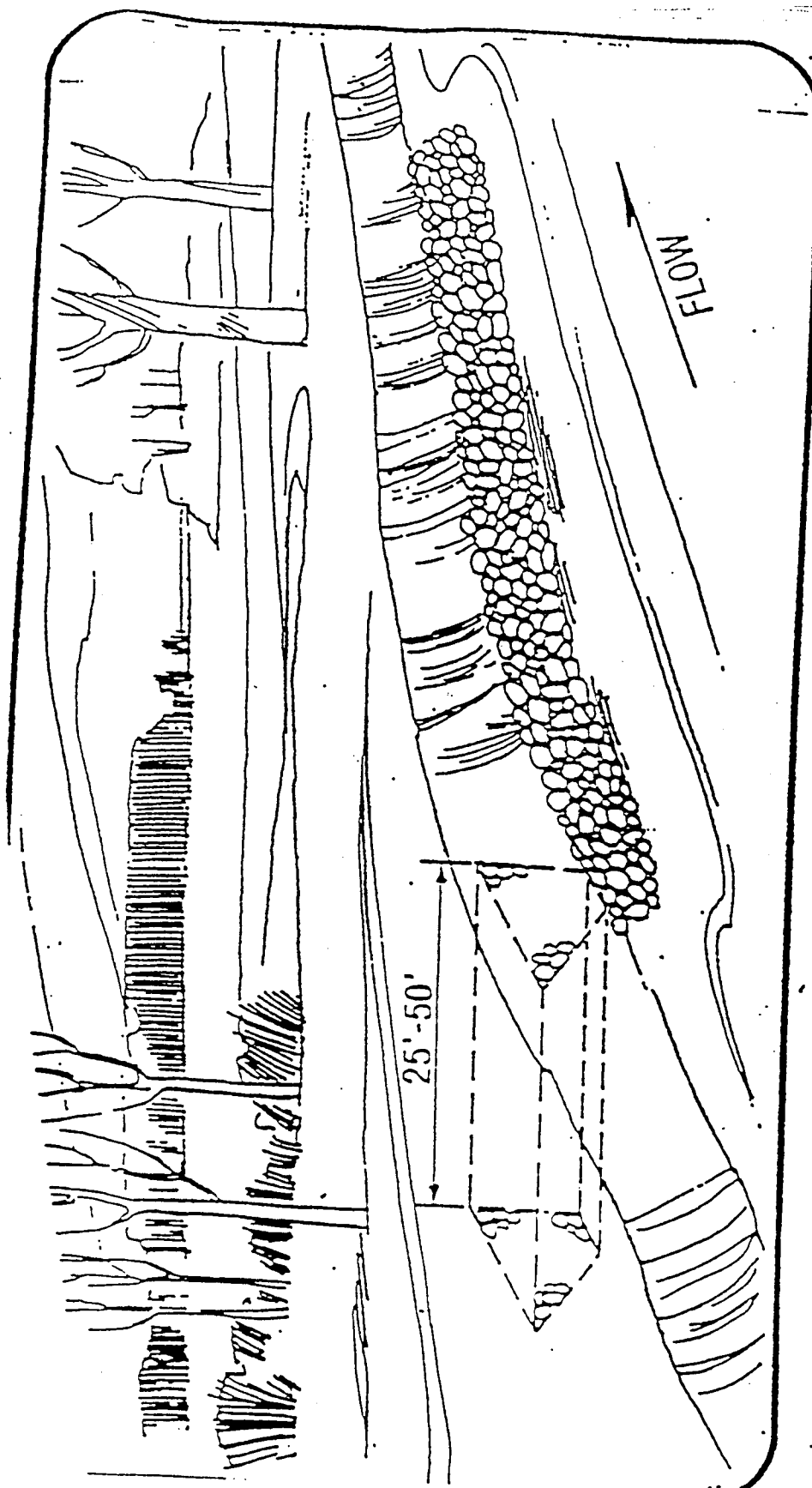
1978 DESIGNATED
MISSOURI NATIONAL
RECREATION RIVER



1991 DESIGNATED NATIONAL
RECREATION RIVER SEGMENTS
(MISSOURI/NIOBRARA RIVERS, VERDIGRE CREEK)

PURPOSE: Flood Protection and Repair
GP 96-04 199621004
DATUM: :
APPLICATION BY: General Public

IN Missouri River -
Nat'l Rec. River
DATE
SHEET 1 of 3



Average Existing
Ground Line

2' Minimum

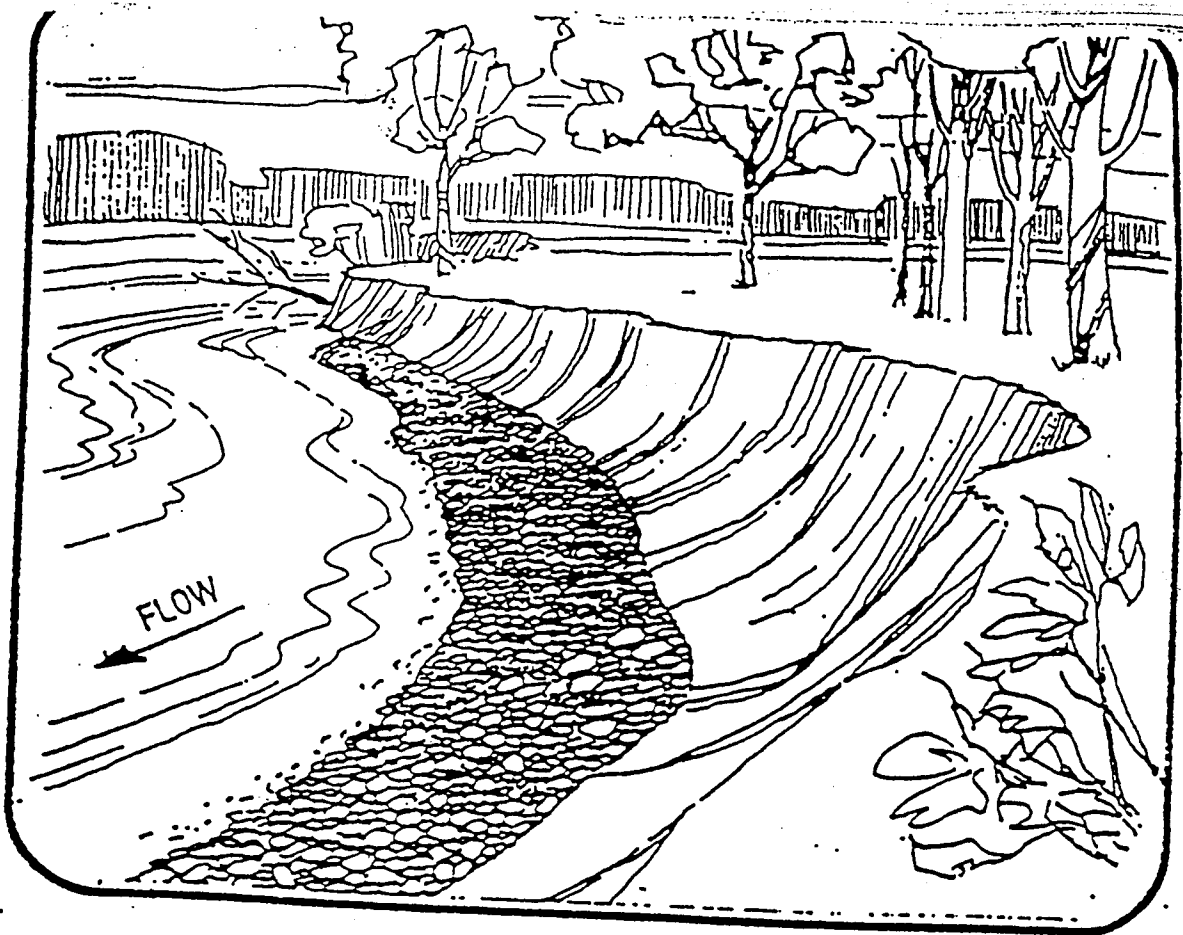
Excavated Material
Used to Bury Fill
AND SEEDED

Stone, Concrete, or Brick Fill

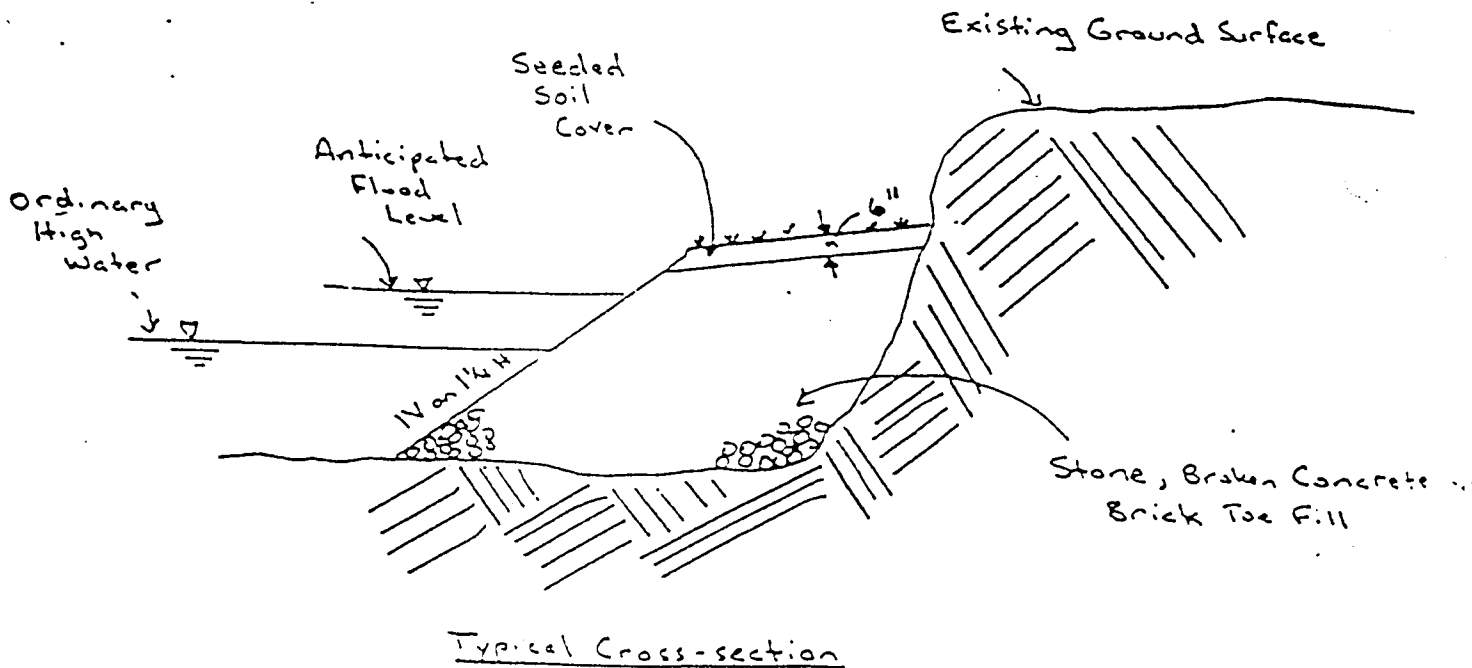
WINDROW REFUSAL

PURPOSE: Flood Protection and Repair
GP 96-04 199621004
DATUM: :
APPLICATION BY: General Public

IN Missouri River -
Natl Rec. River
DATE
SHEET 3 of 3



RIPRAP REVETMENT



PURPOSE: Flood Protection and Repair
 GP 96-04
DATUM: -
APPLICATION BY: General Public

IN Missouri River -
 Natl Rec. River
DATE
 SHEET 2 of 3

STATE OF NEBRASKA



Mike Johanns
Governor

Rita Schneider
USACE Regulatory Branch
106 South 15th Street
Omaha, NE 68102

NOV 1 2001

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder
Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

RE: State Water Quality Certification for Section 404
Application NE 96-21004, Emergency flood protection and
repair work GP (GP 96-04, Amendment 2).

Dear Ms. Schneider:

We have reviewed the information received regarding the
above-referenced application and feel the activity will comply
with Section 401 of the Clean Water Act of 1977, as amended by
the Water Quality Act of 1987.

We therefore, by this letter, provide Section 401 Water
Quality Certification. This certification does not constitute
authorization to conduct your project. It is a statement of
compliance with Surface Water Quality Standards only, which is
one requirement to gain authorization from the U.S. Army Corps
of Engineers in the form of a Section 404 permit. If you have
any questions, please feel free to call Terry Hickman on my
staff, at (402) 471-2875.

Sincerely,

Patrick W. Rice
Assistant Director

TH

cc: Rita Schneider, US Army Corps of Engineers
Steve Anschutz, US Fish & Wildlife Service
Frank Albrecht, Nebraska Game & Parks Commission
Tom Taylor, US Environmental Protection Agency